

GE ban ordinance postponed as board considers changes

Contributed by Elizabeth Larson
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LAKEPORT — On Tuesday the Board of Supervisors decided to put off until later this month a decision on a revised form of an ordinance to ban genetically engineered (GE) crops in Lake County.

The ordinance, originally accepted in a 3-2 vote on Oct. 21, was scheduled for a second and final reading on Tuesday. But the Lake County Farm Bureau, which opposes the ban, raised issues with a possible conflict with the state's right to farm ordinance.

The state right to farm ordinance says, "No agricultural activity, operation, or facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in operation for more than three years if it was not a nuisance at the time it began."

One local grower has, according to Farm Bureau officials, been growing GE corn for more than three years, and so the GE ban's attempt to declare the crops a nuisance would impact that operation.

Board Chair Ed Robey, who wrote the ordinance, suggested they could accept the ordinance as written and possibly risk litigation or fix with some updated language, which included allowing for preexisting operations or removing the nuisance clause and adding language to offer a limited exemption with time to cease growing any GE crop.

County Counsel Anita Grant drafted the proposed modifications, which not all of the board members had received Tuesday morning. In one of the revisions, Grant suggested using the county right to farm ordinance as a model, since it offered protections for crops that have been grown locally for at least one year, rather than the state's three.

What followed was another lengthy, three-hour discussion by the board and community members. Much of the time was devoted to repeating the strong convictions of those on both sides of the divide that has opened up over the ban.

Supervisor Denise Rushing said she didn't like the issue because it was divisive and seemed to have no middle ground.

She said she was baffled by the Lakeport Regional Chamber of Commerce's recently announced position against the ban, especially since well-known winemaker Jim Fetzer has spoken in favor of the ban two weeks ago.

Rushing said there were two world views at work in the debate — one that believes in taking precautions to protect health and safety, and another that espouses the idea that business people care enough to take the necessary precautions.

"I believe that we do need the ordinance," she said.

Supervisor Jeff Smith said he wanted to try to get to middle ground, but he continued to oppose the ban. Smith said Agriculture Commissioner Steve Hajik, who would need to enforce the ban, has pointed to problems with it, and he also questioned why no action was taken to form an advisory committee, a proposal brought up at the last meeting.

Robey said they didn't have anyone to sit on such a committee at that point, and they needed to establish a process. Replied Smith, "I think there's some things we have to cover here before we pass anything."

Supervisors also disagreed amongst themselves over the issues of health dangers. Rob Brown said no evidence had been presented showing a danger to human health. "I disagree with that completely," replied Rushing.

Finley farmer Phil Murphy blasted Brown for opposing the ban, questioning if he understood the definition of agriculture. Murphy stated that a new marketing plan which incorporates the GE ban will help local agriculture survive.

Attorney Steve Elias, who has been active in advocating for a GE ban, suggested that the state right to farm ordinance is inapplicable to the GE ban. He said he was cynical about concerns raised by the Farm Bureau, Hajik or the chamber, since all have opposed such local regulations.

"All of this can be resolved by people of good will," he said.

Michelle Scully said that she, like Rushing, didn't like the divisiveness around the issue, but she believed the ordinance had given rise to the division.

The conventional agriculture community isn't saying they don't care about health, they're saying they want to be heard, said Scully.

Scully, who wants to create an event this coming summer to celebrate Lake County agriculture and reintroduce the average person to what agriculture is all about, said it's ridiculous to argue about how people farm when there are hungry people in the community.

Farmer Ron Bartolucci, who as a mobile home park owner also has been involved with the mobile home task force, said putting together a working group is an important first step. The ordinance, he said, appeared to be "done out of fear rather than intelligence."

Dr. Tim Strong, a local veterinarian and president of the county's Cattlemen's Association chapter, said US farmers are on the cutting edge of new technology. "When you pass a ban like this what you're saying is, you're putting handcuffs on agriculture."

While Strong said he believed GE crops should be regulated and have a review process like sprays, he also believed farmers needed to have access to them. To do otherwise, he suggested, could result in food becoming like oil, with other countries feeding the US.

Sierra Club Lake Group Chair Victoria Brandon agreed that the rights of growers should be addressed. She said proponents of the GE ban had attempted to initiate a discussion with the Farm Bureau earlier this year, but the effort didn't get a positive reception. She also volunteered to be part of an advisory committee.

Brandon added that to have an attitude that ban proponents are a bunch of eco-terrorists threatening farmers is

offensive.

Sarah Ryan of the Coalition for Responsible Agriculture said they've attempted to make their case for the ban by relying on local experts and using good science. The ban wasn't just about farmers but about protecting the environment and people from crops with manmade traits that haven't been thoroughly tested.

Lakeport Regional Chamber of Commerce Chief Executive Officer Melissa Fulton said both sides needed to meet and attempt to reach a compromise to serve the community. She also questioned how the board would rule on exceptions that might be included in the ban.

"It would appear you are setting yourselves up as authorities on agriculture, and I don't believe any of you have that expertise," she said.

Brown remained firm in his opposition to the ban. "This ordinance is really more about control than a true belief that we can have a marketing advantage," he said, adding that it will hurt peoples' ability to make a living.

Rushing said she subscribed to the "precautionary principle" — choosing to be cautious when not all the needed data is available. If all the science on GE crops was available and trusted, "I don't think we would be here."

Brown said she had told him she would not support the ban if Monsanto, a corporation that has helped develop many GE crops, would stay out of the county. Rushing said she was concerned about Monsanto and other companies which develop such crops that have potential longterm impacts that aren't known.

Other countries have chosen to keep the materials out, she said. "The Japanese have decided to wait for 10 years and let American children be the guinea pigs."

Supervisor Anthony Farrington said he wanted resolution on the issue, which has caused him to lose sleep.

He said for him it wasn't a referendum on a corporation like Monsanto. "This should not be about power struggles and who wins."

Rushing said she wanted to see an advisory group come together sooner than later to try to present a collective opinion about this form of regulation.

The board eventually decided to continue the discussion at 1:30 p.m. Nov. 18, at which time they'll look at the options and the working group's formation.

While the effort moves forward, its future is in doubt because of another development on Tuesday.

The District 1 supervisorial race to succeed Robey resulted in the election of Middletown rancher James Comstock, who was endorsed by the Lake County Farm Bureau Board.

Comstock told Lake County News on Wednesday that he will seek to have the ban overturned if it's passed before he takes office in January, and listed it as his top priority when his term begins.

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